

4. The authority to waive the time limit for filing a complaint in accordance with 24 CFR 8.56(c)(3).

5. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

6. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).

7. The authority to issue a formal written determination of compliance under § 8.56(h)(4).

#### *Section B—Authority Redelegated*

The Assistant Secretary for Fair Housing and Equal Opportunity redelegates the authority to act as the "responsible civil rights official" to Directors of the Regional Offices of Fair Housing and Equal Opportunity, as follows:

1. The authority to request a copy of the documents described in 24 CFR 8.51(b).

2. The authority to receive compliance reports submitted by recipients under 24 CFR 8.55(b).

3. The authority to conduct periodic compliance reviews under 24 CFR 8.56(a) and the authority to conduct an investigation under § 8.56(b).

4. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

5. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).

6. The authority to issue a formal written determination of compliance under § 8.56(h)(4).

#### *Section C—Authority to Redelegate*

The authority granted to the Deputy Assistant Secretary for Enforcement and Compliance under section A of this redelegation may be redelegated. The authority granted to the Regional Directors of Fair Housing and Equal Opportunity under section B of this redelegation may not be redelegated.

#### *Section D—Revocation of Redelegation*

The Assistant Secretary for Fair Housing and Equal Opportunity revokes the notice of redelegation published June 6, 1988 (Docket No. D-88-877; FR-770, at 53 FR 20253).

Dated: March 11, 1991.

Gordon H. Mansfield,  
Assistant Secretary for Fair Housing and  
Equal Opportunity.

[FR Doc. 91-6792 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-28-M

#### **Office of the Deputy Assistant Secretary for Enforcement and Compliance**

[Docket No. D-91-950 FR-3018-D-01]

#### **Redelegation of Authority Under Section 504 of the Rehabilitation Act of 1973**

**AGENCY:** Office of the Deputy Assistant Secretary for Enforcement and Compliance, HUD.

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** This redelegation relates to the enforcement of section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. This redelegation of authority redelegates certain authority of the "responsible civil rights official" from the Deputy Assistant Secretary for Enforcement and Compliance to the Director of HUD Program Compliance.

**EFFECTIVE DATE:** March 11, 1991.

#### **FOR FURTHER INFORMATION CONTACT:**

Peter Kaplan, Director, Office of Program Compliance, Office of Fair Housing and Equal Opportunity, room 5230, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-2904. A telecommunications device for deaf persons (TDD) is available at (202) 708-0015. (These are not toll-free numbers.)

24 CFR part 8 implements section 504 of the Rehabilitation Act of 1973 which provides that no otherwise qualified person with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development. Any person who believes that he or she has been subject to discrimination prohibited under part 8 may file a complaint with HUD. Additionally, HUD conducts periodic reviews of the practices and recipients to determine whether they are complying with section 504.

In related notices published in today's *Federal Register*: (1) The Secretary of Housing and Urban Development has delegated the authority of the "responsible civil rights official" under part 8 to the Assistant Secretary for Fair Housing and Equal Opportunity; and (2) the Assistant Secretary for Fair Housing and Equal Opportunity has redelegated certain of this authority concurrently to the Deputy Assistant Secretary for Enforcement and Compliance and the Regional Directors of Fair Housing and Equal Opportunity. The Deputy Assistant Secretary for Enforcement and Compliance holds authority to redelegate the authority.

This notice redelegates the authority of the responsible civil rights official from the Deputy Assistant Secretary for Enforcement and Compliance to the Director of HUD Program Compliance. This authority may not be redelegated.

The Assistant Secretary for Fair Housing and Equal Opportunity previously delegated some of the involved authority directly to the Director of HUD Program Compliance by notice published June 2, 1988 (53 FR 20253). That redelegation by the Assistant Secretary, however, has been revoked by a notice published concurrently with this notice.

Accordingly, the Deputy Assistant Secretary for Enforcement and Compliance redelegates the following authority:

#### *Section A—Authority Redelegated*

The Deputy Assistant Secretary for Enforcement and Compliance redelegates the authority to act as the "responsible civil rights official" to the Director of HUD Program Compliance, as follows:

1. The authority to request a copy of the documents described in 24 CFR 8.51(b).

2. The authority to receive compliance reports submitted by recipients under 24 CFR 8.55(b).

3. The authority to conduct periodic compliance reviews under 24 CFR 8.56(a) and the authority to conduct an investigation under § 8.56(b).

4. The authority to waive the time limit for filing a complaint in accordance with 24 CFR 8.56(c)(3).

5. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

6. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).



7. The authority to issue a formal written determination of compliance under § 8.56(h)(4).

*Section B—Authority to Redelegate*

The authority granted to the Director of HUD Program Compliance under this re delegation may not be redelegated.

Dated: March 11, 1991.

**Leonora Guarraia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 91-6790 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-28-M



# Federal Register

Friday  
March 22, 1991

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## Part III

### Department of Transportation

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#### Federal Aviation Administration

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**14 CFR Parts 121, 125, and 135  
Minimum Equipment List (MEL)  
Requirements; Final Rule**



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 121, 125, and 135

[Docket No. 25760; Amdts. 121-222, 125-15, 135-39]

RIN 2120-AC86

## Minimum Equipment List (MEL) Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment provides for the development and use of Minimum Equipment Lists (MEL) for certain single-engine air carrier aircraft. In addition, this amendment revises the requirements for the use of an MEL to make them consistent throughout the regulations. This action is needed to provide for the implementation of MEL authorizations through the issuance of operations specifications. The changes streamline administrative procedures and provide greater consistency in the MEL authorization process.

**EFFECTIVE DATE:** June 20, 1991.

**FOR FURTHER INFORMATION CONTACT:** Marlene G. Livack, Technical Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 479-0285.

**SUPPLEMENTARY INFORMATION:****Background***Statement of Problem*

The airworthiness certification of an aircraft is based upon the requirement that the aircraft conform to its type certificate and be in a condition for safe operation. The concept of the Minimum Equipment List (MEL) was developed when it was recognized that a flight or series of flights might be continued with certain inoperable instruments and equipment under appropriate circumstances. This followed a Federal Aviation Administration (FAA) determination that strict compliance with the Type Certification (TC) equipment requirements was not necessary to maintain the TC level of safety. The MEL is intended to permit operation for a minimum period of time until repairs can be accomplished.

Although the MEL concept was adopted for part 121 operations in 1953 and applied to part 135 multiengine aircraft operations in 1978, it has never been applied to part 135 single-engine aircraft operations. This has been due to

the relative lack of single-engine aircraft systems complexity and redundancy, the diversity of the single-engine aircraft population, and the lack of manpower to create single-engine aircraft Master Minimum Equipment Lists (M MEL).

(Note: An M MEL for a particular aircraft type is developed by the FAA in cooperation with holder of the type certificate for that aircraft. The M MEL is the basis for the individual operator's MEL for its particular operation and aircraft.)

In June 1985, the FAA responded to a request from Beech Aircraft Corporation by issuing an interpretation of FAR §§ 23.1301 and 25.1301 which stated, in summary, that all installed instruments and items of equipment in an aircraft must function as designed for all operations unless otherwise provided for in an FAA-approved MEL. Since § 135.179, which authorizes MEL use for multiengine aircraft, precludes single-engine aircraft from using an MEL, the result has been that all installed instruments and items of equipment on such aircraft must be operative. This has required part 135 operators of single-engine aircraft who install optional instruments and equipment to keep them in operating condition when the aircraft is operating. This requirement may have convinced some single-engine operators under part 135 to defer purchase of optional equipment which would have enhanced safety or operational efficiency.

At present, there is a need to standardize the manner in which the MEL requirements are applied to the aviation industry and individual operators. The results of the National Air Transportation Inspection (NATI) study of the MEL program revealed considerable misunderstanding of the MEL concept. In the past, some air carriers have mistakenly developed procedures for operating with an MEL that were not consistent with the operating regulations. Since the rules governing the use of MEL's in part 121 differ from the part 125 and 135 requirements, operational standardization and consistent interpretation of the rules have presented difficulties for operators and the FAA.

On January 23, 1989, the FAA published notice of proposed rulemaking (NPRM) 89-2 (54 FR 3320) that proposed to amend part 121, 125, and 135 requirements for the use of a MEL. (Clarification of the notice and an extension of the comment period was published in the Federal Register on March 27, 1989 (54 FR 12553).) The NPRM invited public participation in addressing MEL requirements. The

NPRM proposed to standardize and to make consistent parts 121, 125, and 135 requirements for the use of an MEL. Finally, it proposed to authorize the development of MEL's for part 135 operators using single-engine aircraft.

**Discussion of Comments**

Approximately fourteen comments were received on the NPRM. The comments were submitted by air carriers, airline pilot associations, manufacturers, and individuals. Most comments were in favor of standardizing the regulations, and all comments regarding expansion of the applicability of MELs to include single-engine aircraft were favorable. However, several comments opposed certain proposed requirements. All specific issues and categories of comments are discussed below.

*Access to Information Contained in the MEL*

New and revised §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) each require that the MEL be aboard the aircraft or that the flightcrew have "direct" access at all times prior to flight to all information contained in the approved MEL. As discussed in the NPRM, it is not the FAA's intention that a physical copy of the MEL be carried aboard the aircraft although this would be an acceptable means of compliance. The FAA will accept any method as long as the information contained therein is "directly" accessible to the flightcrew at all times prior to flight through printed or other means approved by the Administrator. The rule provides that this approval will be contained in the certificate holder's operations specifications. The FAA does not consider "direct" access to include information gained from conversations with maintenance personnel by telephone or over the aircraft radio prior to dispatch.

Specifically, the commenters on this issue reflected their concerns as follows:

The Air Transportation Association (ATA) objects to the requirement that the crew have direct access to the MEL before and during flight. ATA states that there is no need for the MEL, a dispatch document, to be onboard the aircraft. According to ATA, the MEL is designed to be used during the preparation for flight, not the execution of flight. ATA submits that pilots are not trained in the use of MELs and the flightcrew always has access to MEL information through radio contact with dispatch/maintenance.

The Regional Airline Association (RAA) agrees that information



contained in the MEL should be directly accessible to the flight crew prior to flight, but submits that directly accessible during flight is unduly restrictive. RAA submits that the MEL is a dispatch document and that it is not intended to replace abnormal/emergency procedure when an item becomes inoperative during flight. RAA believes that indirect access may, at times, contribute to safety when one pilot in a two pilot crew is not forced to read an MEL during flight.

The Aerospace Industries Association (AIA) states that the FAA has not provided a justification for requiring pilot access to the written MEL at all times, and at the same time denying pilot access to it through the radio. AIA submits that the MEL is a dispatch document not intended for application while enroute and its verbiage is completely unsuitable for inflight application. AIA states that the MEL is not "cockpit friendly" and will substantially increase crew workload. According to AIA, there will be considerable costs because the MEL will have to be rewritten for use in the cockpit and crews will have to be trained in its use.

The International Federation of Airline Dispatchers' Association (IFIDA) comments that dispatchers should be provided with the same information as the flightcrews and should have direct access to the information contained in the MEL or have a copy of the MEL provided to them.

The Air Line Pilots Association (ALPA) supports the requirement that the crew have direct access to the MEL but states that it is not good enough for pilots to get information on MEL items and remarks or exceptions by telephone or radio access. ALPA, therefore, suggests that the word "direct" be inserted before the word "access."

One comment from an airline pilot states that the crews should have access to the printed MEL at all times.

In response to these specific comments, the FAA agrees that the MEL is a dispatch document and, thus, has determined that the proposed requirement that it be available during flight would not be in keeping with the intent of the MEL concept. The FAA, however, does not agree that requiring the flightcrew to have "direct" access to the MEL prior to flight is restrictive. The flightcrew is responsible for the safe operation of the aircraft and, therefore, must have a "direct" means of determining whether or not the aircraft is safe for flight.

Several commenters state that pilots are not trained in the use of MELs. However, § 121.415 requires that pilots

and dispatchers be trained in the duties and responsibilities of their respective positions. FAR §§ 121.597 and 121.663 provide that one of the responsibilities of the pilot in command (PIC) is to determine that the flight can be made safely. For a PIC to make this determination, the FAA believes that training in the use of an MEL is necessary.

The FAA agrees with ALPA that, in order to make a dispatch decision, the flightcrew must be able to ensure that they have all available information. The FAA also agrees that calling on the radio or telephone would not necessarily ensure that the pilot has all the essential information. While the FAA agrees with the term "direct" access, this does not mean that the flightcrew must have a printed copy of the MEL and, therefore, the rule as adopted provides that the Administrator may approve other means of direct access. "Direct" access could be through the ARINC Communications Addressing and Reporting System (ACARS) or other electronic means or could be accomplished through an information retrieval system or any other means approved by the Administrator. Therefore, the word "direct" is being inserted before the word "access" in §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) and the proposal that the MEL be available during flight is being deleted.

The FAA agrees that dispatchers should be provided with the same information since they are jointly responsible, with the PIC, for the dispatch of the flight. The FAA has determined that the authority provided in FAR § 121.605 covers this point and does not see a need to further clarify the requirement.

Finally, the MEL will not have to be written for cockpit use because in its present format it is appropriate for a dispatch document. Since training in the use of an MEL is already required no additional training costs will be imposed.

#### *MEL Revision Procedures*

The language of FAR part 121 is revised to clarify that an MEL, as authorized by the operations specifications, constitutes an approved change to the type design. This is similar to the concept behind FAR §§ 91.213 (former § 91.30), 125.201, and 135.179. The following commenters specifically address this concept as it relates to the MEL.

ATA comments that the FAA should clarify that MEL revisions do not require recertification. ATA states that FAA should specify in the preamble that an

amendment to the MEL will not require recertification of the airplane since the MEL authorization constitutes an approved change in the type design.

AIA believes making a change to an approved and authorized MEL constitutes a change in the type design. AIA contends, however, that this statement will be misconstrued and require full recertification for each MEL entry. AIA states that to do a full type certification for each MEL item would be prohibitively expensive and not improve safety. AIA suggests the following wording: "An approved MEL, as authorized by the operations specs, constitutes an approved deviation to the type design without requiring recertification through the certification branch."

The FAA response to ATA and AIA is that the part 121 MEL provisions are being amended to clarify that an approved MEL will constitute a change to the type design of the aircraft. However, the FAA does not intend this to mean that an amendment to the MEL requires recertification of an aircraft. Because the MEL allows an aircraft to be operated in a temporary condition with inoperative equipment while still maintaining the safety requirements for certification, the aircraft is in a legitimate design configuration and recertification of the type design is not necessary. This temporary condition continues to meet certification safety requirements. The FAA agrees with ATA and AIA that it is necessary to clarify that an amendment to the MEL will not require recertification. However, this should be accomplished in the rule and not in the preamble as suggested by ATA. Therefore, §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) are amended accordingly.

In addition to ATA and AIA, Conner Air Lines, Inc., states that if the rule is implemented, the FAA would gain authority to amend an approved aircraft type certificate as well as the air carrier operating certificate by amending the operations specifications. Conner Air Lines, Inc., argues that this action would allow the FAA to alter, change, or amend, at its sole discretion, the MEL by changing the operator's specifications.

In response to Conner Air Lines, Inc., the FAA emphasizes that the MEL is a separately approved document and, therefore, will not be affected by any changes in the operations specifications. The operations specifications are the method through which operations with an MEL are authorized. The approval procedure for an operator's MEL has not been changed.



### Airworthiness Directives

The NPRM proposed that instruments and equipment required by an airworthiness directive (AD) not be included in the MEL. The following comments were received from AIA and ATA on this issue.

AIA objects to this proposal and states that the prohibition against including instruments and equipment required by an AD is in conflict with the basic principles on which the MEL concept is based. AIA states that the compliance required in an AD is not necessarily the only way of fixing a defect or unsafe condition and that these solutions normally reflect permanent changes to hardware selected in consideration of operating costs and installation expediency, as well as safe operation. AIA comments that the safety requirements of an AD can often be accomplished by other means on the short term basis reflected by MEL relief.

AIA states that AD's normally contain the general statement that alternate means of compliance which provide an acceptable level of safety may be used when approved by the Administrator and the MEL does not deviate from this criterion. Further, many AD's contain specific dispatch relief provisions. AIA concludes that the carrier should be allowed to substitute a temporary solution in the MEL provided it affords an acceptable level of safety.

ATA states that proposed § 121.628(b)(2) should be the same as the existing § 91.30(b)(2), which allows instruments and equipment required by an AD, provided that AD provides for them, to be included in the MEL.

In response, the FAA agrees with ATA that §§ 121.628(b)(2), 125.201(b)(2) and 135.179(b)(2) should be the same as the requirements of § 91.30(b)(2) and has changed these sections accordingly. The FAA also agrees with AIA that AD's normally contain a general statement that alternate means of compliance can be used if approved by the Administrator. This does not necessarily provide relief through the MELs. Relief through an MEL can be granted only if it does not affect the requirements of the AD. Any MEL relief approved by the Flight Operations Evaluations Board and granted by the AD may be included in the MEL; however, due to the requirements of § 39.3 of the FAR, the AD requirements always takes precedence over the MEL provisions.

### Inoperable Instruments and Equipment

Section 135.179(b)(3) of the proposed rule states that instruments and equipment that are either specifically or

otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operation under all operating conditions may not be included in the MEL. Two comments were received which specifically addressed this issue. Both Sternair and the RAA suggest deleting the proposed section. RAA states that if this limitation is included, the rule should clarify the intent.

The FAA response to these comments is that in order to maintain the validity of an airworthiness certificate, all installed aircraft instruments and equipment must function as designed. However, an FAA-approved MEL issued to a specific operator by the FAA District Office having Flight Standards certificate responsibility constitutes an approved change to the aircraft type design and, therefore, allows for inoperative equipment. Experience has shown that with the various levels of redundancy designed into aircraft, operation of every system or installed component may not be necessary since the remaining equipment can provide an acceptable level of safety.

Not all of an aircraft's installed instruments and equipment are necessary for every operation. For example, an operation which is not being conducted in icing conditions would not require airframe deicing or anti-icing equipment if that equipment was not essential for safe operations when icing conditions do not exist. Another example is an aircraft which was not being operated at night would not require a landing light. A specific operating condition, therefore, would be a condition such as extended overwater, high altitude, or night flight.

Certain equipment and instruments, however, must be operating at all times; these include such items as oil pressure and temperature gauges (unless other approved means exist to monitor these parameters) because these gauges provide an indication of the engine's condition.

### Additional Comments

Several commenters question the need and reasons for the amendments to the existing FAR requirements.

For example, Ameriflight states that it supports the FAA's attempt to simplify and unify the regulations related to MELs but believes that, at the same time, a major overhaul of the current MEL policy is necessary and asks that the FAA evaluate the current problems associated with the MEL approval process such as standardization and delays. Ameriflight states that approval and development of an MEL can cost

thousands and that a revision will cost, at a minimum, \$500. Ameriflight suggests that the FAA issue a generic MMEL while leaving the specific operations and maintenance procedures to the users and district offices. These generic MMELs will be ready-to-use documents which would simply be obtained and distributed by the operators.

Conner Air Lines suggests that no changes be made to the current rules.

ATA states that the NPRM does not identify the particular issues to be clarified, but states only that § 121.627(c) "has fostered numerous questions within the air carrier industry and, therefore, needs to be clarified." ATA suggests that FAA itemize and develop exact issues or questions which generated the need for clarification. ATA also suggests that the Advisory Circular regarding deferred maintenance items, when issued, may clarify the majority of the problems. ATA states that the industry has been working with the current regulations for over 30 years and is familiar with all aspects and suggests that a change could cause confusion.

The FAA in developing its NPRM did in fact review the specific problems and issues concerning the MEL process. The vagueness of § 121.627 caused the MEL requirements to be applied differently under part 121 than under parts 125 and 135, which contain more specific requirements. For this reason the FAA stated in the NPRM that the proposed amendment was needed to standardize application of the MEL concept by bringing part 121 in line with parts 125 and 135. The FAA believes it is unnecessary to catalogue the numerous requests for interpretation concerning § 121.627. These problems cannot be dealt with in an advisory circular format. The FAA believes that the minor changes involved with this rulemaking, including revisions to air carrier operations specifications, will not be a significant burden to air carriers and the resulting simplification of the process will be beneficial.

AIA comments that parts 125 and 135 should be standardized along the lines of part 121 instead of the other way around as proposed in the NPRM. This would provide a simplified system to 125 and 135 operators and not impose an economic burden on part 121 operators to change and train for a new system. It would also eliminate the need for re-interpretation. AIA states that if the reason for the proposed replacement of § 121.627(c) is to provide a stronger legal basis for enforcement then § 121.627(c) should be expanded to set up specific requirements for an MEL.



The FAA does not agree with AIA that proposed parts 125 and 135 should be standardized along the lines of part 121. Section 121.627(c) has historically caused confusion in the aviation industry and the FAA as well. After a careful review of the MEL requirements specified in current §§ 121.627(c), 125.201, and 135.179, the FAA has determined that proposed §§ 125.201 and 135.179 offer a clearer presentation of MEL requirements and this should be extended to part 121 for standardization throughout the industry. The FAA emphasizes that the MEL in part 121, as well as in parts 125 and 135, constitutes an approved change to the aircraft type design without requiring recertification. This is clearly stated in proposed §§ 121.628, 125.201, and 135.179.

Finally, two commenters state that pilots cannot always comply with the abnormal/emergency checklist procedures because one or more of the aircraft systems or components required to accomplish the emergency procedure is inoperative. These comments suggest the rule be amended so that no system component required to accomplish an emergency or abnormal procedure be included on an MMEL. The FAA believes these commenters are referring to problems with their own MELs, and that these problems should be reviewed and resolved. With respect to comments concerning MMELs, the FAA agrees that systems and components required to accomplish emergency or abnormal procedures are considered when approving an MMEL. Therefore, these items should not appear on an MEL since the MEL cannot be more permissive than the MMEL. If commenters believe this is not the case then it would be appropriate for the specific MEL problem to be reported in detail to the FAA for review and possible revision.

One commenter suggests that advisory circular material be developed to standardize the procedures by which MELs are prepared by the operator and approved by the FAA. The FAA agrees and has undertaken this project. The FAA anticipates that the advisory circular material will be released concurrently with this rule.

Another commenter states that § 135.179 should be applicable to single-engine turbine airplanes on floats. The FAA's response is that the rule includes all single-engine aircraft operated under part 135.

#### Beyond the Scope of the NPRM

Several comments submitted are beyond the scope of this proposed rulemaking.

For example, Fairchild Aircraft Corporation refers to a suggested rule change that it requested in 1986, Docket No. 25049, and suggests that those changes be incorporated into the proposed § 135.179. Fairchild petitioned the FAA to amend §§ 91.30 and 135.179 to require the FAA and aircraft manufacturers to establish a list of required instruments and equipment to be included in each airplane and rotorcraft flight manual. The list would be used by a pilot to determine what instruments and equipment are required to begin and/or continue a flight. The FAA will respond to this issue in a separate rulemaking project, when resources permit.

Furthermore, the following comments have been considered as informational, but not having direct impact on this particular rulemaking project.

ALPA, for example, recommends that both the preamble to the MEL and the airworthiness handbook include a reference to the "electronic log book" including guidelines to ensure that the crew is supplied with the current airworthiness status of the aircraft following failure of the MEL items.

Finally, a commenter suggests that operators in Alaska should be able to develop MEL procedures for fuel gauges and other items on single-engine aircraft. Such matters are the proper subject of the MMEL review process.

#### Regulatory Evaluation Summary

##### Benefits

The benefits of the revised rules are non-quantifiable because they primarily reorganize and standardize the MEL provisions of various operating rules in order to clarify and explain the intent of existing requirements. Promulgation of these rules will reduce misunderstandings of the requirements governing inoperable instruments and equipment by air carriers.

Further, operators of single-engine aircraft under part 135 will benefit from greater flexibility and efficiency in using aircraft under the revised rules. As a result of these rules, passengers and shippers will avoid unnecessary delays and inconvenience. Moreover, use of operations specifications in lieu of letters of authorization, in the long run, will reduce administrative burdens for both the FAA and the affected certificate holders. The FAA, however, has no precise basis on which to quantify these benefits, since it cannot predict the extent to which part 135 operators of single-engine aircraft will elect to use MELs.

##### Costs

Certificate holders subject to the revised rules will not incur any additional compliance costs because the rules will change only the format in which MEL authorizations are granted. The substantive provisions of the MELs for individual certificate holders will continue to be determined by the FAA flight standards field offices having jurisdiction over the particular certificate holders. Guidance for MEL operating privileges and limitations will continue to be disseminated through such means as the advisory circular system. The FAA will incur some minor administrative costs in transferring MEL requirements from letters of authorization to operations specifications, but this will be a one time expense, which is in the nature of an ordinary cost of doing business for a regulatory agency. Moreover, the use of operations specifications, in the long run, will tend to ease administrative burdens and reduce costs for both FAA and the certificate holders.

##### International Trade Impact Assessment

The revised regulations will clarify and standardize existing MEL requirements for various classes of United States certificate holders, and as such, will have no effect on the sale of foreign aviation products or services in the United States, nor will they affect the sale of United States aviation products or services in foreign countries.

##### Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions.

The small entities that will be affected by the revised rules are those parts 121, 125, and 135 operators that own nine or fewer aircraft. However, because these rules will not impose any additional compliance costs on affected certificate holders and will provide relief in the case of part 135 operators of single-engine aircraft, none of the threshold cost values stipulated in Order 2100.14A



are expected to be exceeded by any affected certificate holder. Therefore, the FAA has determined that these rules will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

#### *Federalism Implications*

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Conclusion*

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

#### *List of Subjects*

##### *14 CFR Part 121*

Air carriers; Airplanes; Aviation safety; Safety.

##### *14 CFR part 125*

Aircraft; Airworthiness.

##### *14 CFR Part 135*

Air carriers; Aircraft; Airplanes, Airworthiness; Aviation safety; Safety.

#### *Adoption of the Amendment*

Accordingly, parts 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 121, 125, and 135) are amended as follows:

### **PART 121—CERTIFICATION AND OPERATIONS DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

1. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421, 1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By revising the introductory text of § 121.303(d) to read as follows:

#### **§ 121.303 Airplane instruments and equipment.**

(d) Except as provided in §§ 121.627(b) and 121.628, no person may take off any airplane unless the following instruments and equipment are in operable condition:

#### **§ 121.627 [Amended]**

3. By removing § 121.627(c).

4. By adding a new § 121.628 following § 121.627 to read as follows:

#### **§ 121.628 Inoperable instruments and equipment.**

(a) No person may take off an airplane with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that airplane.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the airplane with certain instruments and equipment in an inoperable condition.

(4) Record identifying the inoperable instruments and equipment and the information required by paragraph (a)(3)(ii) of this section must be available to the pilot.

(5) The airplane is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an airplane with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.197 and 21.199 of this chapter.

### **PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE**

5. The authority citation for part 125 continues to read as follows:

**Authority:** 49 U.S.C. 1354, 1421 through 1430 and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

6. By revising § 125.201 to read as follows:

#### **§ 125.201 Inoperable instruments and equipment.**

(a) No person may take off an airplane with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that airplane.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized



by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the airplane with certain instruments and equipment in an inoperable condition.

(4) Records identifying the inoperable instruments and equipment and the information required by paragraph (a)(3)(ii) of this section must be available to the pilot.

(5) The airplane is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an airplane with inoperable instruments or equipment may be operated under a

special flight permit under §§ 21.197 and 21.199 of this chapter.

#### **PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS**

7. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 1354 (a), 1355(a), 1421-1431 and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

8. By revising § 135.179 to read as follows:

##### **§ 135.179 Inoperable instruments and equipment.**

(a) No person may take off an aircraft with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that aircraft.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the aircraft with certain instruments and equipment in an inoperable condition.

(4) Records identifying the inoperable instruments and equipment and the information required by (a)(3)(ii) of this section must be available to the pilot.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.297 and 21.199 of this chapter.

\* \* \* \* \*

Issued in Washington, DC, on March 18, 1991.

**James B. Busey,**  
Administrator.

[FR Doc. 91-6828 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M



The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people. It was organized in 1847 and has since that time been the leading organization of the medical profession in the United States. Its membership is composed of physicians, surgeons, dentists, and other medical practitioners who are interested in the advancement of their profession and the welfare of the community. The Association's activities are directed towards the improvement of medical education, the advancement of medical research, and the promotion of public health. It publishes the *Journal of the American Medical Association*, which is one of the most authoritative and widely read medical journals in the world. The Association also maintains a large library of medical books and journals, and it operates a number of hospitals and clinics. Its efforts are directed towards the betterment of the medical profession and the health of the nation.

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# Testis Great Testis

Friday  
March 22, 1991

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## Part IV

## Department of Agriculture

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Cooperative State Research Service

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Competitive Research Grants Program  
for Fiscal Year 1991; Amendment to the  
Solicitation of Applications; Notice



## DEPARTMENT OF AGRICULTURE

## Cooperative State Research Service

Competitive Research Grants Program  
(National Research Initiative  
Competitive Grant Program) for Fiscal  
Year 1991; Amendment to the  
Solicitation of Applications

Notice is hereby given that the Notice of the Competitive Research Grants Program (National Research Initiative Competitive Grant Program (NRICGP)) for Fiscal Year 1991; Solicitation of Applications found at 55 FR 49380-49388 (November 27, 1990) is amended by adding the following information for the research area 22.2 Solar Ultraviolet Radiation Monitoring Network for the Biosphere (formerly called Monitoring Systems for Ultraviolet). The Solicitation found at 55 FR 49380-49388, under the heading "Natural Resources and the Environment", provided that research will be supported in the following program area: 22.2 Monitoring Systems for Ultraviolet. Further, the solicitation provided that a description of the research to be supported and the receipt date for proposals would be published at a later date. The purpose of this notice is to provide such information. The original solicitation remains unchanged with regard to the other program areas described therein.

The authority for this program is contained in section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)). Under this program, subject to the availability of funds, the Secretary may award competitive research grants, for periods not to exceed five years, for the support of research projects to further the programs of the Department of Agriculture. Proposals may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Proposals from scientists at non-United States organizations will not be considered for support.

Section 639 of Public Law No. 101-506, an Act Making Appropriations for Rural Development, Agriculture and Related Agencies programs for the fiscal year ending September 30, 1991, and for other purposes, prohibits Cooperative State Research Service (CSRS) from using the funds available for the NRICGP for fiscal year 1991 to pay indirect costs on research grants awarded competitively that exceed 14 per centum of the total direct costs under each award.

Of the total amount available in fiscal year 1991 for grant awards in "Natural Resources and the Environment", the

amount available in the program area of Solar Ultraviolet Radiation Monitoring Network for the Biosphere is approximately \$500,000.

## Applicable Regulations

Regulations applicable to this program include the following: (a) The regulations governing the Competitive Research Grants Program, 7 CFR part 3200 which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; and (b) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015.

Specific Program Area under Natural  
Resources and the Environment to be  
Supported in Fiscal Year 1991

Research on basic fundamental processes involved in biological responses to predicted effects of stratospheric ozone depletion is described in the original solicitation. In addition, there is need for the establishment of a program in the United States the goal of which is to obtain information for the scientific community on the geographical distribution and temporal trends in UV irradiance flux. Such information is needed in order to develop an understanding of the response of living systems to current conditions and to forecast future effects and develop response strategies for mitigating effects resulting from any future increases in UV radiation. The research necessary to attain this goal will require development of reliable and accurate measurement of UV-B radiation and the establishment of intensive study sites. These intensive monitoring sites will serve as a model for a regional monitoring network to be developed in future years. The following specific program area and guidelines are provided as a base from which proposals may be developed:

22.2 Solar Ultraviolet Radiation  
Monitoring Network for the Biosphere

Proposals developed in this program area should include the following elements:

(1) High-Quality Spectral Irradiance  
Measurements

Emphasis should be placed on the development of instrument characterization and calibration protocols of existing or newly developed instruments. In order to meet the objectives envisioned for a network of spectroradiometers, the following

instrumentation specifications and operating protocols should be met:

**General:** The instrument should measure the global horizontal terrestrial solar UV-B spectral irradiance over the spectral wavelength region from 290-340 nm. Overall network radiometric uncertainty should be no more than 10% (3 sigma) at 295 nm decreasing to less than 5% (3 sigma) at 340 nm. These and following specifications are applicable over the ambient range of temperature, humidity and pressure found in northern temperate latitudes.

**Wavelength Range:** 280-400 nm.

**Dynamic Range:** Spectral irradiance measurements are to be made over a maximum solar signal of  $1.0 \text{ W/m}^2 \text{ nm}$  at 400 nm decreasing to less than  $10^{-6} \text{ W/m}^2 \text{ nm}$  at 290 nm.

**Accuracy and Precision:** Instruments must maintain their calibrations over a 30 degree Celsius range for a month time period.

## Wavelength:

- a. Resolution of wavelength setting (smallest settable difference):  $\pm 0.02 \text{ nm}$ .
- b. Repeatability:  $\pm 0.02 \text{ nm}$ .
- c. Accuracy:  $\pm 0.02 \text{ nm}$ .
- d. Bandpass:  $\leq 1.00 \text{ nm}$ .
- e. Straylight:  $< 10^{-8}$  at greater than  $+5$  bandwidths from center wavelength.

## Intensity:

- a. Resolution: is to be 0.001 of full scale from all decade ranges from 1 to  $1 \times 10^{-5} \text{ W/m}^2 \text{ nm}$  and  $2 \times 10^{-8} \text{ W/m}^2 \text{ nm}$  for ranges less than or equal to  $1 \times 10^{-6}$ .

- b. Repeatability: must be within 0.2% of the decade range value.

- c. Accuracy: instrument shall hold a calibration to an accuracy of  $\pm 1\%$  of signal level between  $1.0 \text{ W/m}^2 \text{ nm}$  and  $10^{-6} \text{ W/m}^2 \text{ nm}$ .

It is recognized that all of these specifications may not be achievable in a single instrument. For any instrument selected, however, a careful evaluation will be required to characterize the instrument in terms of the criteria specified here, particularly in terms of radiometric uncertainty, bandwidth, dynamic range, wavelength range, and wavelength repeatability.

## (2) Monitoring Sites

Site locations should be stratified to provide measurements at different latitudes, altitudes, in different climate regimes and under different conditions of tropospheric pollution. Where feasible, sites should be co-located where other radiation and atmospheric measurements are being made. Photosynthetically active radiation, UV-A, cloud cover, turbidity, and total ozone are important ancillary measurements which should be



available at each site. In addition, atmospheric profiles of aerosols, trace gases, and temperatures are of great use in radiative transfer modeling but are unlikely to be initially available at all sites. Complete instrument characterization, calibration, and standardization between sites is considered critical.

(3) Administration and coordination of the network.

While individual site operators will be responsible for quality control and routine calibration (both intensity and wavelength on at least a daily basis), priority will be given to proposals that give consideration to centralized administration, coordination and standardization between sites. In this respect, attention should be given to those components such as inter-instrument characterization and calibration, uniform operational protocols, quality control, and standardized operator training which will become increasingly important as additional sites are added to the network. Included in the instrument standardization repertoire should be such techniques as characterization of the instrument's cosine response, stray light, nonlinearity in electronics and detector response, and radiometric accuracy determination with a secondary standard, etc.

It is anticipated that development of two intensive sites will be supported in fiscal year 1991. In accordance with the provisions of section 2(b)(7) of the Act of August 4, 1965, as amended, grant funds may not be used for renovation of space or the purchase or installation of fixed equipment in such space or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility. The use of grant funds for mobile or portable units or shelters, not affixed to land, is not prohibited, and such units or shelters may be used to provide a controlled environment for the radiometer and associated data acquisition equipment.

This program area can be addressed by an investigator or investigator(s) at a single institution or at multiple institutions with the proper competence and facilities to accomplish the objectives.

A report, "Justification and Criteria for the Monitoring of Ultraviolet (UV) Radiation as Identified by the Scientific Community", summarizes discussions at a UV-B Measurement Workshop held in Denver, Colorado, from January 23-25, 1991. Copies of the report are available from: Solar Ultraviolet Radiation

Monitoring, National Research Initiative Competitive Grants Program, Cooperative State Research Service, U.S. Department of Agriculture, room 323, The Aerospace Center, Washington, DC 20250-2200; telephone (202) 401-5022.

#### How to Obtain Application Materials

Copies of this solicitation and the Grant Application Kit may be requested from: Proposal Services Branch, Cooperative State Research Service, U.S. Department of Agriculture, room 303, The Aerospace Center, Washington, DC 20250-2200; telephone (202) 401-5049.

#### How to Prepare a Proposal and What to Submit

Contained in the Grant Application Kit are the instructions for proposal preparation.

An original and 14 copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Resubmissions of unsuccessful proposals should clearly indicate what changes have been made in the proposal.

Each copy of each proposal must include a form CSRS-661, "Grant Application," which is included in the Grant Application Kit. Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. Each project description is expected to be complete in itself. It should be noted that reviewers are not required to read beyond 15 pages of the project description to evaluate the proposals. Proposals beyond this limit may not be reviewed or may be returned. Appendices should be limited to materials that are pertinent to the proposal and should not be used as a way to circumvent the page limit. The *vitae* of key project personnel should be limited to three (3) pages, including a list of publications for the last five (5) years.

All copies of a proposal must be mailed in one package. Also, please see that each copy of each proposal is stapled securely in the upper lefthand corner, do not bind. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the "Application Requirements"

checklist contained in the Grant Application Kit.

#### Where and When to Submit Grant Applications

Each research grant application must be submitted to: National Research Initiative Competitive Grants Program, c/o Proposal Services Branch, Cooperative State Research Service, U.S. Department of Agriculture, room 303, The Aerospace Center, Washington, DC 20250-2200. Proposals which will be hand-carried or delivered by overnight express service should be addressed to: National Research Initiative Competitive Grants Program, c/o Proposal Service Branch, Cooperative State Research Service, room 303, The Aerospace Center, 901 D Street SW., Washington, DC 20024. To be considered for funding during fiscal year 1991, proposals submitted in response to this announcement must be postmarked by May 13, 1991. Additional information on this program area may be obtained by calling (202) 401-4871.

#### Special Instructions

The NRICGP should be indicated in Block 7 and the applicable program area (Solar Ultraviolet Radiation Monitoring) and program code (22.2) should be indicated in block 8 of form CSRS-661 provided in the Grant Application Kit.

#### Supplementary Information

The Competitive Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.206. For reasons set forth in the Final rule-related notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials. In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this notice have been approved under OMB Document Nos. 0524-0022.

The award of any grant under the NRICGP during FY 1991 is subject to the availability of funds. One copy of each proposal that is not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Done at Washington, DC, this 18th day of March, 1991.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 91-6869 Filed 3-21-91; 8:45 am]

BILLING CODE 3410-22-M